

111TH CONGRESS
2D SESSION

H. R. 5903

To restore State sovereignty, and to dedicate excess grant funds to deficit reduction.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2010

Mr. CULBERSON introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To restore State sovereignty, and to dedicate excess grant funds to deficit reduction.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Restoration of State
5 Sovereignty Act of 2010”.

6 **SEC. 2. STATES TO RETAIN RIGHTS AND AUTHORITIES**

7 **THEY DO NOT EXPRESSLY WAIVE.**

8 (a) RETENTION OF RIGHTS AND AUTHORITIES.—No
9 officer, employee, or other authority of the Federal Gov-

1 ernment shall enforce against an authority of a State, nor
2 shall any authority of a State have any obligation to obey,
3 any requirement imposed as a condition of receiving Fed-
4 eral financial assistance under a grant program estab-
5 lished under Federal law, nor shall such program operate
6 within a State, unless the legislature of that State shall
7 have by law expressly approved that program and, in doing
8 so, have waived the State's rights and authorities to act
9 inconsistently with any requirement that might be imposed
10 by the Federal Government as a condition of receiving
11 that assistance.

12 (b) AMENDMENT OF TERMS OF RECEIPT OF FED-
13 ERAL FINANCIAL ASSISTANCE.—An officer, employee, or
14 other authority of the Federal Government may release
15 Federal financial assistance under a grant program estab-
16 lished under Federal law to a State only after the legisla-
17 ture of the State has by law expressly approved the pro-
18 gram (as described in subsection (a)) or amended the re-
19 quirements imposed by the Federal Government as condi-
20 tions of receiving that assistance. In the case of amend-
21 ments made by a State pursuant to the preceding sen-
22 tence, such an officer, employee, or other authority may
23 not release such Federal financial assistance to the extent
24 that any such amendments are inconsistent with the Fed-
25 eral law under which the assistance is provided.

1 (c) EXCEPTIONS FOR CERTAIN GRANT PROGRAMS.—

2 Subsections (a) and (b) shall not apply with respect to
3 any grant program under either of the following:

4 (1) The Individuals with Disabilities Education
5 Act (20 U.S.C. 1400 et seq.).

6 (2) Title 38, United States Code.

7 (d) DEFINITION OF STATE AUTHORITY.—As used in
8 this section, the term “authority of a State” includes any
9 administering agency of the State, any officer or employee
10 of the State, and any local government authority of the
11 State.

12 (e) EFFECTIVE DATE.—This section applies in each
13 State beginning on the 90th day after the end of the first
14 regular session of the legislature of that State that begins
15 after the date of the enactment of this Act and shall con-
16 tinue to apply in subsequent years until otherwise provided
17 by law.

18 **SEC. 3. DEDICATION OF SAVINGS TO DEFICIT REDUCTION.**

19 (a) STATEMENT OF EXCESS GRANT FUNDS.—Upon
20 the determination of an officer, employee, or other author-
21 ity of the Federal Government under section 2(b) that
22 Federal financial assistance under a grant program may
23 not be released to a State for a fiscal year, the officer,
24 employee, or other authority shall prepare a statement of
25 the determination and the amount of excess grant funds

1 involved, provide the statement to the Director of the Of-
2 fice of Management and Budget, and include the state-
3 ment on the official public Internet website of the Federal
4 department or agency involved.

5 (b) RESCISSION OF EXCESS GRANT FUNDS.—Upon
6 the receipt of a statement under subsection (a) by the Di-
7 rector of the Office of Management and Budget, the
8 amount involved shall be rescinded from the funds made
9 available for the grant program in the applicable appro-
10 priation Act for the fiscal year. All such rescinded
11 amounts shall be used only for reducing the deficit in the
12 budget of the Government for that fiscal year.

13 (c) OMB ANNUAL REPORT.—Within 30 days after
14 the end of each fiscal year, the Director of the Office of
15 Management and Budget shall submit to the Committees
16 on Appropriations of the House of Representatives and the
17 Senate, and include on its official public Internet website,
18 a report specifying the total amount of rescissions made
19 during the fiscal year under subsection (b) and delineating
20 the rescissions by appropriation Acts, accounts, and pro-
21 grams, projects, and activities.

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